Remarks/Arguments

The Examiner is thanked for the courteous telephone interview granted Applicants' representative on October 27, 2004. This Response has been prepared pursuant to comments and suggestions made by the Examiner during the interview.

Claims 1-3, 12, 15-17 and 25 remain pending in the present application. Claims 1, 12, 15 and 25 have been amended. No claims have been added and no claims have been canceled. Applicants believe the claims currently in the case patentably distinguish over the cited art and are allowable in their present form. Reconsideration of the rejection is, accordingly, respectfully requested in view of the above amendments and the following comments.

I.   35 U.S.C. § 112, Second Paragraph

The Examiner has rejected claims 1-3 and 15-17 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. The Examiner contends that there is no relationship between the limitation "accepting a task for distributed computing" and other limitations in independent claims 1 and 15; and that the claims are therefore indefinite.

By the present Amendment, each of independent claims 1, 12, 15 and 25 has been amended to recite that the "work units" recited in the claims comprise "work units into which the accepted task is divided". This language clarifies the relationship between the "task" and the "work units" recited in the claims, and, accordingly, provides a relationship between the limitation "accepting a task for distributed computing" and other limitations in the claims. In view of the above amendments, the claims are now believed to fully comply with the requirements of 35 U.S.C. § 112, second paragraph, and withdrawal of the rejection is respectfully requested.

Therefore the rejection of claims 1-3 and 15-17 under 35 U.S.C. § 112, second paragraph has been overcome.

II.   35 U.S.C. § 102, Anticipation

The Examiner has rejected claims 1-3, 12, 15-17 and 25 under 35 U.S.C. § 102(b) as being anticipated by Govett (U.S. Patent No. 5,761,507). This rejection is respectfully traversed.

In rejecting the claims, the Examiner states, in part:

> Regarding claim 1, Govett teaches a method in a network data processing system for distributed computing (see at least abstract, and col. 1, lines 9-13... comprising:
> accepting a task for distributed computing (see at least col. 3, lines 21-23...
> sending work units to a plurality of data processing systems on a network, wherein each data processing system within the plurality of data processing systems includes a software for accepting a work unit, processing the work unit to generate a result, and returning the result (see at least col. 6, line 10-col. 9, line 25...wherein the software is monitored for compliance with an operation policy requiring a connection to the network and allocating a period of time for processing work units; and receiving results from the plurality of data processing systems (see at least col. 14, lines 6-22...Note: controlling the servers with respect to starting them, stopping them and setting time delay to start a server satisfies the claimed limitation of monitoring the software in compliance with the policy of requiring a connection and allocating a period of time for processing work units. See also col. 7, line 51-col. 13, line 20).

Office Action dated August 5, 2004, pages 3-5.

Claim 1 as amended herein is as follows:

1.   A method in a network data processing system for distributed computing, the method comprising:
accepting a task for distributed computing;
sending work units into which the accepted task is divided to a plurality of data processing systems on a network, wherein each data processing system within the plurality of data processing systems includes a software for accepting a work unit, processing the accepted work unit to generate a result, and returning the result, wherein the software of each data processing system within the plurality of data processing systems is monitored for compliance with an operation policy requiring a data processing system to be connected to the network and to allocate a period of time for processing work units; and
receiving results from the plurality of data processing systems.

Govett does not disclose "sending work units into which the accepted task is divided to a plurality of data processing systems on a network, wherein each data processing system within the plurality of data processing systems includes a software for accepting a work unit, processing the accepted work unit to generate a result, and returning the result, wherein the software of each data processing system within the plurality of data processing systems is monitored for compliance with an operation policy requiring a data processing system to be connected to the network and to allocate a period of time for processing work units", as now recited in claim 1.

Govett discloses a system in which a transaction manager receives requests for service from a plurality of clients, and assigns the requests to available servers in the order that the requests are received (see, for example, the Abstract in Govett). The objective in Govett is to provide an equitable distribution of service resources to clients requesting service.

Initially, in Govett, a plurality of separate tasks is received from different clients, and each task is assigned to a different server for processing. A particular task in Govett is not divided into work units that are assigned to different data processing systems for processing. It is the separate tasks themselves that are sent to servers to be processed, not work units into which a task is divided. Thus, Govett does not disclose "sending work units into which the accepted task is divided to a plurality of data processing systems on a network" as recited in claim 1.

In addition, Govett does not disclose "wherein the software of each data processing system within the plurality of data processing systems is monitored for compliance with an operation policy requiring a data processing system to be connected to the network and to allocate a period of time for processing work units" as now also recited in claim 1.

In rejecting the claims, the Examiner referred to col. 14, lines 6-22 of Govett as disclosing this feature. Col. 14, lines 6-22 of Govett reads as follows:

> controlling said server to communicate a result of said remote procedure call to said client in accordance with said connection handle and return said connection handle to said transaction manager.
> 2. A method as recited in claim 1, including the further step of

starting another server at said second data processor when the number of requests awaiting assignment of a server exceeds a configuration value.

3. A method as recited in claim 2, including the further step of stopping an idle server at said second data processor after a time delay by unloading from said second data processor said application corresponding to said idle server.

4. A method as recited in claim 3, wherein said time delay is set in accordance with an amount of time required for starting a server.

In Govett, each server is monitored to see if it is idle. In particular, each server is polled for an idle time value. If that value exceeds a server_stop variable, the server is stopped to maximize available processing capacity (see col. 12, lines 58-64 of Govett). Govett does not disclose monitoring the servers "for compliance with an operation policy requiring a data processing system to be connected to the network and to allocate a period of time for processing work units" as recited in claim 1. In the present invention, the plurality of data processing systems may, for example, comprise home computers provided to users at low cost or at no cost. The cost for subsidizing these computers is recouped by charging customers for processing requests. Accordingly, it is desirable to monitor these computers to ensure that they are connected to the network and that they run the software for at least some minimum period of time (see at least page 13, lines 9-22 of the present specification). Govett does not disclose monitoring data processing systems in the manner now clearly recited in claim 1, and, accordingly, does not anticipate claim 1 for this reason as well.

For at least all the above reasons, claim 1, as amended herein, is not anticipated by Govett, and should be allowable in its present form.

Claims 2 and 3 depend from and further restrict claim 1, and are also not anticipated by Govett, at least by virtue of their dependency.

Independent claims 12, 15 and 25 have been amended in a manner similar to claim 1, and are also not anticipated by Govett for substantially the same reasons as discussed above with respect to claim 1. Claims 16 and 17 depend from and further restrict claim 15, and are also not anticipated by Govett, at least by virtue of their dependency.

Therefore, the rejection of claims 1-3, 12, 15-17 and 25 under 35 U.S.C. § 102 has been overcome.

Furthermore, Govett does not teach, suggest, or give any incentive to make the needed changes to reach the presently claimed invention. Govett is not related to dividing a task into work units and assigning the work units to a plurality of data processing systems, and one of ordinary skill in the art would not be led to modify Govett to reach the present invention when the reference is examined as a whole. Absent some teaching, suggestion, or incentive to modify Govett, the presently claimed invention can be reached only through an improper use of hindsight using the Applicants' disclosure as a template to make the necessary changes to reach the claimed invention.
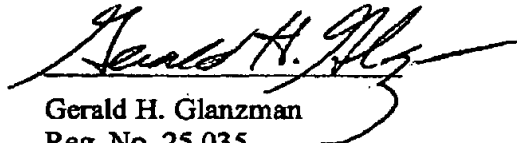
III.   Conclusion

For at least all the above reasons, it is respectfully urged that claims 1-3, 12, 15-17 and 25 are patentable over Govett and that this application is now in condition for allowance. It is, accordingly, respectfully requested that the Examiner so find and issue a Notice of Allowance in due course.

The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

Respectfully submitted,

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